

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

SHEILA PAULEY,	:	
Plaintiff,	:	
v.	:	Case No. 3:16-cv-31
COMMISSIONER OF SOCIAL	:	JUDGE WALTER H. RICE
SECURITY,	:	
Defendant.	:	

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #28);
OVERRULING PLAINTIFF'S OBJECTIONS THERETO (DOC. #29);
AFFIRMING ALJ'S NON-DISABILITY FINDING AS SUPPORTED BY
SUBSTANTIAL EVIDENCE; JUDGMENT TO ENTER IN FAVOR OF
DEFENDANT AND AGAINST PLAINTIFF; TERMINATION ENTRY

On July 8, 2020, United States Magistrate Judge Michael J. Newman issued a Report and Recommendations, Doc. #28, recommending that the Court affirm the ALJ's non-disability finding as supported by substantial evidence. This matter is currently before the Court on Plaintiff's Objections, Doc. #29, and Defendant's Response, Doc. #30.

Based on the reasoning and citations of authority set forth by Magistrate Judge Michael J. Newman in his Report and Recommendations, Doc. #28, as well as upon a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filing in its entirety, and OVERRULES Plaintiff's Objections thereto, Doc. #29.

Plaintiff notes that the July of 2014 MRI, which was the subject of this Court's previous remand order, shows objective evidence of severe nerve root compression. She notes that the ALJ conceded that the state agency reviewers did not have the opportunity to review this MRI. Plaintiff argues that the ALJ is not qualified to interpret raw medical data in functional terms, and notes that the ALJ's non-disability finding is contrary to that of her treating physician, Dr. Snider.

The ALJ explained, however, that, despite the MRI evidence showing severe nerve root compression, Plaintiff had received "only minimal treatment" for her back-pain complaints, and had "performed a substantial degree of light level work throughout the development of this case." Doc. #21-2, PageID#1714.

Moreover, Dr. Snider found that, with medication, Plaintiff's pain was "under relatively good control" and physical examinations "showed only some diffuse tenderness and 'relatively normal' passive range of motion with only mild to moderate discomfort upon testing, and only on some occasions." *Id.* The ALJ fully explained why he found that Dr. Snider's opinion—that Plaintiff was incapable of full-time, sedentary work—was "not well supported by medically acceptable clinical findings in the record and is inconsistent with other substantial medical evidence of record." *Id.* at PageID##1718.

For these reasons, the Court AFFIRMS the ALJ's non-disability finding as supported by substantial evidence. *See* 42 U.S.C. § 405(g).

Judgment shall be entered in favor of Defendant and against Plaintiff.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: October 26, 2020



(tp - per Judge Rice authorization after his review)

WALTER H. RICE
UNITED STATES DISTRICT JUDGE